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UNCLAS SECTION 01 OF 02 WELLINGTON 000049

SENSITIVE  
SIPDIS

BRUCE RASHKOW (USUN/MR) AND MARK SIMONOFF (USUN/L)

E.O. 12958: N/A

TAGS: KUNR AORC APER PREL UNGA NZ

SUBJECT: NEW ZEALAND RESPONSE TO ACTION REQUEST: FIFTH  
COMMITTEE VOTE ON JUDICIAL POSITIONS

REF: SECSTATE 16118

¶1. (SBU) In response to reftel action request, on February 24 Poloff met with Nik Kiddle, Deputy Director of the United Nations, Human Rights and Commonwealth Division of the New Zealand Ministry of Foreign Affairs and Trade (MFAT), to discuss the candidacy of Judge Coral Shaw of New Zealand for the United Nations Dispute Tribunal (UNDT).

¶2. (SBU) Kiddle provided Poloff with Judge Shaw's CV and a dip note advocating Judge Shaw's candidacy. The contents of those documents follow. Post has no other information concerning Judge Shaw.

¶3. (SBU) New Zealand's dip note advocating Judge Shaw's candidacy follows:

The Permanent Mission of New Zealand to the United Nations presents its compliments to the Permanent Missions of Member States to the United Nations and has the honour to attach the curriculum vitae of Judge Coral Shaw, a New Zealand Employment Court Judge recommended by the Internal Justice Council as a candidate for one of the two half-time judicial positions on the United Nations Dispute Tribunal.

Judge Shaw has considerable experience in the arbitration of employment disputes, being one of four specialist New Zealand Employment Court Judges who hear appeals from the New Zealand Employment Relations Authority. She is Patron of the New Zealand Refugee Council, and served as Director of the International Association of Women Judges from 1994 to 2005. In addition to her extensive experience, Judge Shaw would bring an independent and practical approach to the work of the United Nations Dispute Tribunal.

Judge Shaw is the sole New Zealand candidate recommended by the Internal Justice Council. The Government of New Zealand would highly appreciate the valuable support of Member States to the United Nations for Judge Shaw's candidature.

The Permanent Mission of New Zealand to the United Nations takes this opportunity to renew to the Permanent Missions of Member States to the United Nations the assurances of its highest consideration.

Permanent Mission of New Zealand to the United Nations  
NEW YORK  
20 February 2009

¶4. (SBU) Judge Shaw's CV follows:

Coral Shaw (New Zealand)

Date of Birth: 23 July 1947

Present Position: Judge of the New Zealand Employment Court

**Education:**

--1981 Bachelor of Laws, majoring in international law, University of Auckland  
--1968-9 Bachelor of Arts in Sociology and English, University of Canterbury, New Zealand. Diploma of Teaching

**Legal Experience:**

Since 1999 Judge of the New Zealand Employment Court-- one of four Employment Court judges in New Zealand. The Court has exclusive jurisdiction over employment disputes. It hears appeals from the Employment Relations Authority by way of de novo hearing. Such cases include claims for:

--unjustified dismissal,  
--unjustified disadvantage in employment including bullying,  
--discrimination on the grounds of age, gender, race, religion and union membership.  
--disputes about the interpretation and enforcement of collective and individual employment agreements.  
The court also has first instance jurisdiction over  
--strikes and lockouts,  
--judicial review of statutory decisions under employment legislation.

1992 \* 1999 A District Court Judge with general criminal and civil jurisdiction including criminal jury trials.

Established a family violence intervention programme and a community based restorative justice programme for urban Maori community.

WELLINGTON 00000049 002 OF 002

1984\* 1999 Barrister and Solicitor and then senior common law partner. Specialising in employment law, administrative law and immigration/refugee law. Appeared in a wide range of employment cases at all levels up to the then final Court of Appeal of New Zealand as well as before the Human Rights Tribunal and the Refugee Status Appeals Authority.

1981 \* 1984 Law clerk and Crown Prosecutor with Crown Solicitors, Auckland. Experience in social welfare, immigration and justice department prosecutions. Appeared in criminal appeals, criminal jury trials and administrative law cases.

**Other Activities:**

--Patron of the New Zealand Refugee Council.  
--Director of the International Association of Women Judges from 1994\*2005.  
--Member of the board of the New Zealand Institute of Judicial Studies since 1999.  
--Foundation Chairperson from 1988 to 1991 of the New Zealand Immigration Advisory Panel which heard applications for residence on humanitarian grounds and advised the Minister of Immigration. In that role established policies and procedures for the conduct of the Panel.  
--Served for 10 years on the faculty of an international litigation skills programme training law officers from the Pacific including Palau, Federated States of Micronesia, Tonga, Solomon Islands, Marshall Islands, Tuvalu, Kiribati, Niue, Cook Islands, Samoa, Vanuatu and Papua New Guinea. This programme is an initiative of NZ Aid and the New Zealand Law Society and is conducted at the University of the South Pacific.  
--Organiser of the New Zealand Judicial Orientation programme for all new judges teaching court craft, judgment writing, sentencing, cultural diversity, and communication skills. This was also attended by judges from Australia, Papua New Guinea and other Pacific nations.  
--Trained lay community magistrates to conduct low level criminal hearings in the District Court.  
--In 1965 served for a year as a volunteer teacher under Volunteer Service Abroad in the Solomon Islands.

**Languages:** English (first language), working knowledge of Maori and some knowledge of French.

KEEGAN